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Paper No. 33 **MAY 23 1995**

In re Application of:
HORI et al
Serial No.: 07/869,851
Filed: April 16, 1992
For: SEMICONDUCTOR INTEGRATED
CIRCUIT

**DIRECTOR'S OFFICE
GROUP 2300**

Decision on Petition

This is a decision on a Petition under 37 CFR 1.181 filed January 12, 1995. The Petition requests that the Examiner clarify the reasons for suspension of prosecution and that the suspension be withdrawn.

REVIEW OF THE FACTS

A Notice of Appeal and an amendment after final were filed on October 24, 1994. In response thereto an advisory action was mailed only indicating that prosecution was suspended "pursuant to 37 C.F.R. 1.77." No action on the merits was indicated.

DECISION

The issues raised by the applicants are moot because the suspension initiated in the advisory action has expired and no new suspension has been imposed. Since there is no longer any suspension in effect, this petition is moot. This case is being returned to the examiner for action on the merits of the response of October 24, 1994. If that response does not place the application in condition for allowance, this application is abandoned for failure to file an Appeal Brief within the six month period. If the application is held to be abandoned the applicants should consider filing a petition to revive on the basis of unavoidable abandonment.

Summary: Petition is DISMISSED as being MOOT.

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